

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PARNELL COLVIN,

Plaintiff,

v.

Case No. 2:20-cv-01765-APG-EJY

M.J. DEAN CONSTRUCTION, INC.; DOES
I through X; and ROE CORPORATIONS XI-
XX, inclusive;

Defendants.

ORDER

Before the Court is the proposed Discovery Plan and Scheduling Order (ECF No. 16). Despite the content of the submission, which includes all elements of a discovery plan and scheduling order, Defendant asks the Court to grant a stay of discovery based solely on its pending Motion to Dismiss. *Id.* at 4.

A pending motion to dismiss is insufficient, in and of itself, to warrant a stay of discovery. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). In fact, under certain circumstances, it is an abuse of discretion to deny discovery while a dispositive motion is pending (*id.* at 602) and, for this reason, a party seeking a stay of discovery carries the heavy burden of making a strong showing why the discovery process should be halted. *Turner Broad. Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). Here, Defendant has not met its burden of demonstrating a stay of discovery is proper.

Accordingly, IT IS HEREBY ORDERED that the proposed Discovery Plan and Scheduling Order (ECF No. 16) is GRANTED to the extent it sets forth the timing and elements required of Rule 26 and Local Rule 26-1(b). The Discovery Plan and Scheduling Order is DENIED to the extent Defendant summarily seeks a stay of discovery.

Dated this 5th day of January, 2021.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE